

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MAINE**

NORTHEAST PATIENTS GROUP, et al.,

Plaintiffs

v.

MAINE DEPARTMENT OF  
ADMINISTRATIVE AND FINANCIAL  
SERVICES, et al.,

Defendants.

CIVIL ACTION NO. 1:20-cv-00468-NT

**DEFENDANTS' RESPONSE TO  
INTERVENORS' MOTION FOR STAY PENDING APPEAL**

On August 11, 2021, this Court enjoined Defendant Figueroa “from enforcing the Dispensary Residency Requirement” at issue in this litigation. (ECF 26 at 13). Subsequently, Intervenor and Defendant Figueroa have appealed the Court’s decision to the United States Court of Appeals for the First Circuit. (ECF 29, 34). Intervenor also moved to stay the Court’s injunction pending appeal on September 13, 2021. (ECF 33).

Currently, Maine statute permits only Maine residents to own and operate medical marijuana dispensaries. *See, e.g.*, 22 M.R.S. § 2428(6)(H). If the Court’s injunction is not stayed, Defendant Figueroa will be required to process and approve non-resident applications for licenses to own medical marijuana dispensaries in Maine.

In the event that the First Circuit reverses this Court’s decision, Maine will be left with a patchwork of medical marijuana dispensaries, some in compliance with state statute and others not. It is not clear how Defendants Figueroa and the Maine Department of Administrative and Financial Services would then address the non-compliant dispensaries that may already be engaged in active operations in the state in reliance on defendants’ prior approval of their applications. It

is likely, though, that whatever actions Defendants take will result in turmoil for both non-resident dispensaries and their patient-customers. For this reason, Defendant Figueroa joins in requesting the relief sought by Intervenors in their Motion for Stay Pending Appeal.

DATED: October 4, 2021

Respectfully submitted,

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and Kirsten Figueroa, Commissioner

**CERTIFICATE OF SERVICE**

I hereby certify that on this, the 4th day of October 2021, I electronically filed the above document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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